

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TEVYN NEVADA LEE WILKINS,

Plaintiff,

v.

LINNEA MAHLMAN,

Defendant.

Case No. 1:21-cv-312

JUDGE DOUGLAS R. COLE

Magistrate Judge Bowman

**ORDER**

This cause comes before the Court on the Magistrate Judge's June 3, 2021, Report and Recommendation ("R&R") (Doc. 8). The Magistrate Judge recommends that the Court dismiss with prejudice Plaintiff Tevyn Nevada Lee Wilkins' Complaint (Doc. 7). For the reasons stated more fully below, the Court **ADOPTS** the Report and Recommendation (Doc. 8) and accordingly **DISMISSES WITH PREJUDICE** Wilkins' Complaint (Doc. 7).

The R&R advised Wilkins that failing to object within 14 days could result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 8, #55). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "fail[ure] to file an objection to the magistrate judge's R&R ... is forfeiture"); 28 U.S.C. § 636(b)(1)(C). Accordingly, the parties here needed to object by June 17, 2021. The time for filing objections has since passed, and no party has objected.

Although no party has objected, the advisory committee notes to Federal Rule of Civil Procedure 72(b) suggest that the Court still must “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See also Mavrakis v. Warden*, No. 5:17-cv-2398, 2018 WL 4104187, at \*3 (N.D. Ohio Aug. 28, 2018) (reviewing for clear error absent an objection to a Magistrate Judge’s R&R); *Mason v. Comm’r. of Soc. Sec.*, No. 1:10 CV 2456, 2011 WL 3022016, at \*1 (N.D. Ohio July 22, 2011) (same); *Malone v. Nike*, No. 2:18-cv-02505-TLP-cgc, 2020 WL 4106316, at \*2 (W.D. Tenn. July 20, 2020) (same).

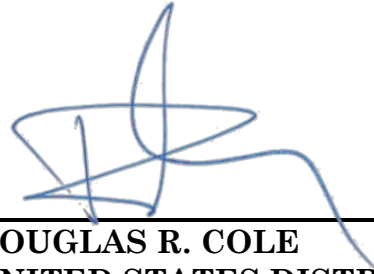
The Court has reviewed the R&R and determined that it does not contain “clear error on [its] face.” Fed. R. Civ. P. 72(b) (advisory committee notes). Wilkins alleges that Defendant Linnea Mahlman failed to investigate a grievance whose underlying content is unspecified. (Compl., Doc. 7, #49). Pursuant to her sua sponte screening obligations, the Magistrate Judge found that this claim fails as a matter of law because there is no statutory, common law, or constitutional right to an investigation in response to a grievance. (R&R, Doc. 8, #53). The Court finds no clear error in this determination.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. 8). The Court thus **DISMISSES WITH PREJUDICE** Wilkins’ Complaint (Doc. 7). The Court further **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that an appeal of this Order would not be taken in good faith and therefore **DENIES** Wilkins leave to appeal in forma pauperis. The Court therefore **DIRECTS** the Clerk to enter judgment and **TERMINATE** this case on its docket.

**SO ORDERED.**

January 5, 2022

**DATE**



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**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**